



The Planning Inspectorate

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Your Ref:
C/1618
Our Ref:
T/APP/N1730/A/98/1015298/P2

Date: 14 MAY 1999

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR & MRS I GARDNER
APPLICATION NO: 97/00948/COU**

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your clients' appeal against the decision of the Hart District Council to refuse planning permission for completion of final phase of building works previously approved under reference number 17071 dated 19 March 1990, erection of additional glasshouse and change of use from nursery to garden centre at Peacocks Fuchsia and Geranium Centre, Farnham Road, Ewshot. I conducted a hearing on 27 April 1999.

2. At the hearing, the nature of the proposals was clarified. Your clients intend to continue to grow and sell plants as the main element of their activities on the site. The proposed garden centre therefore represents the introduction of an additional use rather than a change from the existing nursery use. With the Council's agreement, the additional greenhouse referred to in the description of the application was withdrawn from the scheme. Although the other building works referred to have been permitted in connection with the existing nursery use of the site, they require a separate planning permission as it is now intended to use them in connection with the proposed garden centre. It was also made clear that, contrary to what is shown on the copy of the application plan which accompanied the appeal documents, the dwelling which serves the nursery is not included in the appeal site. I have considered the appeal on the basis that it seeks planning permission for the additional use of the horticultural nursery as a retail garden centre, construction of additional car parking and paved display areas and the extension of the existing glasshouse to form additional growing and display areas, customers' lounge and tea room, storage area and staffrooms.

3. From what was said at the hearing, the written information submitted beforehand and my inspection of the site and the surrounding area, I think that the main issue in this case is the effect of the proposed development on the character and appearance of the surrounding countryside.

4. The development plan for the area consists of the Hart District Local Plan Second Alteration, adopted in 1993 and the Hampshire County Structure Plan of 1994. Structure Plan policy C2(ii) encourages the diversification of the rural economy through the re-use of existing buildings. Local Plan policy ENV2 establishes general development control criteria.

Policy ENV10 seeks to protect the character of the countryside outside defined settlement limits and restricts development to that which is a necessary part of the rural economy, requires a rural location and would not harm the character and setting of the countryside. Policy SHO6 establishes that proposals for garden centres will be permitted subject to the additional requirement that they are within or use an existing complex of buildings or, if new buildings are proposed, an overriding need for them can be demonstrated.

5. Reference has also been made to the emerging Hart District Replacement Local Plan. This has been placed on deposit and pre-inquiry changes have been suggested. Policies for the protection of the countryside are in similar vein to those in the current development plan. Policy RUR18, relating to garden centres, is the equivalent of the present policy SHO6 with the addition of the criteria that there should be no unacceptable increase in traffic and that garden centres should be well-related to existing settlements and the existing transport network. I have given weight to these policies in accordance with the advice contained at paragraph 48 of Planning Policy Guidance Note 1, *General Policy and Principles*.

6. The appeal site lies in open countryside close to Fleet, Farnham and Aldershot which are variously about 3-5Km away. The villages of Ewshot and Crondall are closer at 1-2Km distance. The existing nursery business involves the growing of plants in greenhouses and polytunnels and their sale from the site direct to the public. A significant proportion of the open area of the site is unused and the rest is mainly used for car parking and for the display of plants for sale. The main views into the site are from the A287 but, as the greenhouses and car parking area are at a lower level than the road, they are not particularly prominent. There is a public footpath running along the western boundary of the site but this appeared to be little used. The lie of the land and intervening trees and hedgerows prevent views of the car parking areas from the public footpath and only the upper parts of the greenhouses are visible from there.

7. Although identical to those already permitted, the proposed buildings and other works nevertheless need to be justified within the context of the uses now proposed for them. At present, the nursery business suffers from seasonal fluctuations in trade. The proposed additional use as a retail garden centre would reduce the effect of these fluctuations, it would create new employment and it would enable existing employment to be maintained throughout the year. The proposals would have a small but positive impact on the rural economy. The existing buildings are fully-utilised for growing plants and the additional garden centre use would require the proposed new buildings.

8. It is accepted that the nature of both the existing and proposed uses mean that customers could not be expected to use public transport. Expansion of the product range as proposed would enable customers to purchase plants and other gardening items in the same place, thereby contributing in a small way to the sustainability objective of reducing the need to travel mentioned in Planning Policy Guidance Note 13, *Transport*. The site is very well located relative to the local highway network and would not result in increased traffic on narrow rural roads.

9. The proposed garden centre use could be expected to increase the number of vehicles visiting the site. No highway objections have been raised subject to previously permitted access improvements being completed and parking facilities for 180 vehicles, including 9 spaces for the disabled, provided before commencement of the use. These matters could be secured by conditions.

10. The Council's previous decision to permit a 180 space car park recognised that it is necessary to provide parking facilities to cater for peak demand to avoid serious highway safety risks from parking along the A287 or on its verges. However, it was expected that, for most of the time, the facilities would be very much underused and the visual impact would be slight. The main views into the parking area from the main road are only likely

to be experienced by those passing the site at some speed. Nevertheless, the more intensive use of the car park could have an adverse impact on the appearance of the area. However, this could be mitigated by additional landscaping measures along the road frontage of the site as you have suggested. The proposed buildings would be seen as an extension to the existing group and would be of similar scale, design and materials. They would not appear out of place in this particular rural context.

11. In all these respects, the proposals are supported by Structure Plan policy C2(ii) and meet the requirements of Local Plan policies ENV2, ENV10 and SHO6. I also consider that the site is well-placed relative to local settlements and to the local transport network. The proposals therefore comply with the additional criteria contained in emerging policy RUR18. I have concluded on the main issue that the proposed development would not harm the character or appearance of the surrounding countryside.

12. Section 54A of the Town and Country Planning Act 1990 requires that planning decisions should be made in accordance with the provisions of the development plan unless material considerations indicate otherwise. I have concluded that the proposals comply with all relevant development plan policies and, in the absence of any overriding considerations, I intend to allow this appeal.

13. Conditions are necessary to secure access and parking improvements for the reasons I have already given. A condition relating to landscaping is necessary to ensure that screen planting to the road frontage is provided in particular and to ameliorate the visual impact of the development in general. The suggested condition relating to the public footpath would ensure that the development would not lead to its obstruction. Because of the basis upon which I have considered the appeal, other conditions are necessary to restrict retailing to garden products, to delete the originally proposed additional greenhouse and to limit the extent of the garden centre use. I have based them on those which you suggested.

14. I have considered all other matters raised including the Council's suggestion that the proposed garden centre use would adversely affect the vitality and viability of Fleet town centre and other local shopping facilities. Bearing in mind the relatively small scale and specialised nature of the proposed retail activities and the Local Plan policies which permit garden centres in rural areas, I do not consider this to be a sustainable argument.

15. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the additional use of the horticultural nursery as a retail garden centre, construction of additional car parking and paved display areas and the extension of the existing glasshouse to form additional growing and display areas, customers' lounge and tea room, storage area and staffrooms at Peacocks Fuchsia and Geranium Centre, Farnham Road, Ewshot in accordance with the terms of the application (No 97/00948/COU) dated 19 December 1997 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of five years from the date of this permission;
2. notwithstanding the details on the submitted plan (No.8815, sheet 4, revision D), the glasshouse identified as BUILDING C is specifically excluded from this permission;
3. the development hereby permitted shall not commence until the access into the site permitted under reference no. 95/00773/FUL has been completed in accordance with the approved details and the existing access permanently closed;

4. development shall not take place until full details of both hard and soft landscaping works to be carried out on the site, have been submitted to and approved in writing by the local planning authority. The landscaping works shall be implemented in accordance with the approved details during the first planting season following commencement of the development hereby permitted (or such longer period as may be agreed in writing with the local planning authority). Any trees or other plants which die within five years of planting shall be replaced during the first planting season following their death by specimens of similar size and species;
5. development shall not commence until a scheme of works for the definition and enclosure of footpath No.20 Crondall has been submitted to and approved in writing by the local planning authority. The garden centre use shall not commence until these works have been completed in accordance with the approved details;
6. the garden centre use shall not commence until 180 car parking spaces (or such lower number as may be agreed by the local planning authority), including a minimum of 9 spaces identified as being for the disabled, have been provided on site in accordance with details which shall have first been approved in writing by the local planning authority;
7. notwithstanding the provisions of Article 3(1) of the Town and Country Planning (Use Classes) Order 1987, the garden centre hereby permitted shall not be used for any purposes included in Class A1 of the Schedule to the Order other than for the sale of plants, shrubs, trees, seeds and flowers; weedkillers and pesticides; peat, compost, fertilizers and other growing aids; garden implements; garden furniture; garden landscaping materials; garden ornaments; gardening workwear; sundry items produced specifically for gardening purposes; fencing materials and paving slabs;
8. the building identified as BUILDING A on the submitted plans shall not be used other than for the production of plants, including their subsequent sale on the site, unless agreed otherwise in writing by the local planning authority;
9. no storage or display for sale of goods, other than those which have been grown on the land to which this permission relates, shall take place in the open areas beyond the buildings or paved external display area hereby permitted.
16. These conditions require further matters to be agreed by the local planning authority. There is a right of appeal to the Secretary of State if they refuse any such application, fail to give a decision within the prescribed period, or grant a conditional approval.
17. The developer's attention is drawn to the enclosed note relating to the requirements of the Building Regulations 1991 with respect to access for disabled people.
18. This letter only grants planning permission under Section 57 of the Town and Country Planning Act 1990. It does not give any other approval or consent that may be required.

Yours faithfully



DAVID C PINNER BSc DipTP MRTPI
Inspector

APPEARANCES

For the Appellants:

Mr D C B Bond BA(Hons) MRTPI

Director, Chancellors Chartered Town
Planning Consultants. Appellants' agents.

Mr. I Gardner

Appellant.

Mrs Gardner

Ditto.

For the Council:

Mr N Davis BSc(Hons) MSc MRTPI

Planning Officer, Hart District Council.

DOCUMENTS

Document 1

List of those present at the hearing.

Document 2

Council's letter of notification of the appeal
and list of those notified.

Document 3

Objection letter from Crondall Parish
Council.

Document 4

Letter of 8 February 1989 from the Council
to the appellants' agent at the time.

Document 5

Lists of suggested conditions.

PLANS

Plan A

Application plans 8815, sheet 4, revision D
and 9760 sheet 1.